

APPENDICES

APPENDIX A

Statutes Relating to Firearms Trafficking

Title 18, Section	Makes it illegal for	To	Mental Element(s)	Penalty, up to; Section
2	Any person	Aid, abet, counsel, command or solicit a criminal act	Knowingly, with the intent to assist in the commission of a crime	Same as for underlying crime
371	Any person	Agree with at least one other person to violate the law, with one person committing at least one overt act in furtherance of the agreement	True agreement with the intent to accomplish the objective(s) of the conspiracy	5 years if underlying crime is a felony; § 371
521	Criminal street gangs-5 or more persons whose primary purpose involves committing certain offenses.	Provides sentencing enhancement for gang members who have specified convictions within the previous 5 years.	Activities must affect interstate or foreign commerce.	Sentencing enhancement of up to 10 years; § 521.
922(a)(1)(A)	Any person	Engage in the business of dealing in firearms without a license	Willfulness; perpetrator must have acted with a bad purpose, either to violate the law or in conscious disregard of the law, but does not have to have known of the licensing requirement.	5 years; § 924(a)(1)(D)
922(a)(3)	Nonlicensee	Transport or receive firearm obtained in another state into his state of residence	Willfulness; not required to know he was breaking a specific law, but must have had bad purpose or motive	5 years; § 924(a)(1)(D)
922(a)(5)	Nonlicensee	Deliver firearm to unlicensed person whose residence is in a state different from transferor's	Willfulness; plus knowing or having reasonable cause to believe transferee resided in another state	5 years; § 924(a)(1)(D)

Title 18, Section	Makes it illegal for	To	Mental Element(s)	Penalty, up to; Section
922(a)(6)	Any person	Make a materially false statement to a licensee, to obtain or attempt to obtain a firearm	A lie is a knowing false statement. The statement must be "intended or likely to deceive" the licensee.	10 years; § 924(a)(2)
922(b)(2)	Licensee	Deliver firearm to a person where the purchase or possession of the firearm by that person would violate state law or published ordinance.	Willfulness	5 years; § 924(a)(1)(D)
922(b)(3)	Licensee	Deliver a firearm to a person residing in a state other than the licensee's	Willfulness; Also, licensee must know or have reasonable cause to believe that the transferee resides in another state	5 years; § 924(a)(1)(D)
922(b)(5)	Licensee	dispose of a firearm without making entries in records required to be kept under § 923.	Willfulness	5 years; § 924(a)(1)(D)
922(d)	Any person	Dispose of a firearm to a prohibited person	Transferor must know or have reasonable cause to believe the transferee is prohibited	10 years; § 924(a)(2)
922(g)	Any prohibited person	Possess or receive a firearm or ammunition that has moved in interstate or foreign commerce	Person must know he is in a prohibited category but need not know he is prohibited. Person must know he is in possession of a firearm.	10 years; § 924(a)(2)
922(i)	Any person	Transport or ship a stolen firearm in interstate or foreign commerce	Person must know or have reasonable cause to believe the firearm was stolen.	10 years; § 924(a)(2)
922(j)	Any person	Receive, possess, conceal, store, barter, sell or dispose of a stolen firearm that has moved in interstate or foreign commerce	Person must know or have reasonable cause to believe the firearm was stolen.	10 years; § 924(a)(2)

Title 18, Section	Makes it illegal for	To	Mental Element(s)	Penalty, up to; Section
922(k)	Any person	Transport, ship or receive in interstate or foreign commerce a firearm with the serial number obliterated or altered, or to possess such a firearm that has been so transported or shipped	Knowing	5 years; § 924(a)(1)(B)
922(l)	Any person	Except as provided by § 925(d), to import or bring firearms or ammunition into the United States, or to possess such firearms or ammunition, or to receive such firearms or ammunition	“Knowing” as to the importation; “Willful” as to possession or receipt	5 years; § 924(a)(1)(C) and (D)
922(m)	Licensee	Make a false entry in, fail to make an entry in or fail to properly maintain records the licensee is required to keep	Knowing	1 year; § 924(a)(3)(B)
922(u)	Any person	Steal an “inventory” firearm from an FFL which has traveled in interstate or foreign commerce.	Knowing	10 years; § 924(i)(1)
924(a)(1)(A)	Any person	Make a false statement or representation in an FFL’s required records or in applying for a license or relief from disabilities	Knowing	5 years; § 924(a)(1)(A)
924(b)	Any person	Ship, transport, or receive a firearm in interstate or foreign commerce	With the intent to commit a felony with the firearm or knowing or having reasonable cause to believe that a felony will be committed with the firearm.	10 years; § 924(b)

Title 18, Section	Makes it illegal for	To	Mental Element(s)	Penalty, up to; Section
924(c)	Any person	Uses or carries a firearm during or in relation to a Federal crime of violence or Federal drug trafficking crime; OR possess a firearm in furtherance of a Federal crime of violence or Federal drug trafficking crime.	Knowing	Minimum mandatory 5 years; 7 years if the firearm is brandished; 10 years if the firearm is discharged; additional enhancements for short-barrel rifles, short-barrel shotguns, machineguns, destructive devices, fire arms equipped with a silencer. Enhancements for second or subsequent conviction. Death penalty if death of a person results; § 924(c), 924(j).
924(h)	Any person	Transfer a firearm knowing it will be used to commit a crime of violence or a drug trafficking crime	Knowing for both elements	10 years; § 924(h)
924(k)	Any person	Smuggle or knowingly brings a firearm into the United States, or attempts to do so	Intending to engage in or promote conduct that violates state or Federal drug laws or that constitutes a crime of violence as defined in § 924(c)(3)	10 years; § 924(j)
924(l)	Any person	Steal a firearm that has traveled in interstate or foreign commerce	Theft is an intentional taking.	10 years; § 924(k)
924(m)	Any person	Steal a firearm from an FFL (no interstate commerce element)	Theft is an intentional taking.	10 years; § 924(l)

Title 18, Section	Makes it illegal for	To	Mental Element(s)	Penalty, up to; Section
924(n)	Any person	Travel from any state or foreign country into a state and acquires or attempts to acquire a firearm in such state	With the intent to violate 18 U.S.C. § 922(a)(1)(A)	10years; § 924(n)
1001	Any person	Make or use a false material statement in a Government-related matter	A lie is a knowing false statement. The statement must have been made for a bad purpose	5 years; § 1001
1341	Any person	Use the mail to perpetrate or advance a scheme to defraud	Having a scheme to defraud; Using the mail with specific intent to perpetrate or advance the scheme	5 years; 30 years if the scheme involves a financial institution. § 1341
2117	Any person	Burglarize a place or conveyance containing interstate or foreign shipments	Specific intent to commit a larceny therein	10 years; § 2117